



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventors : Michael M. Thackeray et al.
Title : SYNTHESIS OF INTERMETALLIC NEGATIVE ELECTRODES
FOR LITHIUM CELLS AND BATTERIES
Serial No. : 09/943,966
Filing Date : August 31, 2001
Art Unit : 1745
Date : January 23, 2006
Docket No. : 220

CERTIFICATE OF EXPRESS MAILING

I hereby certify that this correspondence is being forwarded,
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OFFICE OF PETITIONS

RENEWED PETITION UNDER §1.137(b)

SIR:

This renewed petition is response Paper No. 9 dated November 21, 2005.

A request for reconsideration of the decision dismissing the prior filed Petition filed

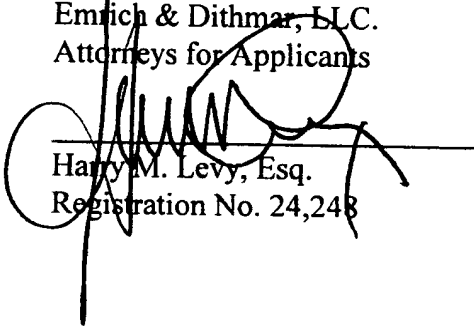
August 16, 2005 is requested.

Enclosed herewith are formal patent drawings for filing in the above case. The delay in
filing the required reply from the due date for the reply until the filing of a grant able petition was
unintentional.

The Commissioner is requested to charge any additional fees or credit any overpayments incident to the filing of this Petition to Deposit Account No. 05-1060. A duplicate copy of this Petition is enclosed.

January 23, 2006

Respectfully submitted,
Emrich & Dithmar, LLC.
Attorneys for Applicants



Harry M. Levy, Esq.
Registration No. 24,248

125 South Wacker Drive
Suite 2080
Chicago, Illinois 60606
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Facsimile: (312) - 663-9822



**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT
ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)**

Docket Number (Optional)
ANL 220

First named inventor: Michael M. Thackeray et al.

Application No.: 09/943,966

Art Unit: 1745

Filed: August 31, 2001

Examiner:

Title: SYNTHESIS OF INTERMETALLIC NEGATIVE ELECTRODES FOR LITHIUM CELLS AND BATTERIES

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OFFICE OF PETITIONS

Attention: Office of Petitions
Mail Stop Petition
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P.O. Box 1450
Alexandria, VA 22313-1450
FAX (571) 273-8300

NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (571) 272-3282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the office notice or action plus an extensions of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee - required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

1. Petition fee

- ☐ Small entity-fee \$ _____ (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.
- ☐ Other than small entity - fee \$ _____ (37 CFR 1.17(m))

2. Reply and/or fee

A. The reply and/or fee to the above-noted Office action in the form of _____ (identify type of reply):

- ☒ has been filed previously on February 21, 2002.
- ☐ is enclosed herewith.

B. The issue fee and publication fee (if applicable) of \$ _____.

- ☐ has been paid previously on _____.
- ☐ is enclosed herewith.

[Page 1 of 2]

This collection of information is required by 37 CFR 1.137(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

3. Terminal disclaimer with disclaimer fee

☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ _____ for a small entity or \$ _____ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D)).]

WARNING:

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.

Signature

HARRY M. LEVY

Typed or printed name

125 South Wacker Drive

Address

Suite 2080

Address

Date

24,248

Registration Number, if applicable

312-663-9800

Telephone Number

Enclosures: ☐ Fee Payment☒ Reply☐ Terminal Disclaimer Form☐ Additional sheets containing statements establishing unintentional delay☒ Other: Drawings - Figures 1 - 9**CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]**

I hereby certify that this correspondence is being:

☒ Deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.☐ Transmitted by facsimile on the date shown below to the United States Patent and Trademark Office as (571) 273-8300.

Date

Signature

Brenda Starks

Typed or printed name of person signing certificate



12-06-06

1745

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Michael M. Thackeray et al.
Title : SYNTHESIS OF INTERMETALLIC NEGATIVE
ELECTRODES FOR LITHIUM CELLS AND BATTERIES
Serial No. : 09/943,966
Filing Date : August 31, 2001
Docket No. : ANL 220
Art Unit : 1745
Date : December 2, 2006

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STOP STATUS, P.O. Box 1450, Alexandria, VA 22313-
1450, this 5, day of December, 2006.
Brenda Starb
Signature

EXPRESS MAIL NO. EV 125102897 US

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22202-3513

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REQUEST FOR STATUS

Sir:

In the periodic review of our docket and captioned application file, we note there has been no action in the captioned application since applicant forwarded via Express No. EV 693420070 on January 23, 2006, a Renewed Petition to Revive Under §1.137(b) and substitute drawings (figures 1-9). Copies of the prior submitted Renewed Petition and drawings are enclosed. A copy of the return receipt postcard showing the PTO mailroom date stamp of January 23, 2006 is also enclosed.

Serial No. 09/943,966
Filed August 31, 2001
Docket No. ANL 220
Art Unit: 1745

Please inform the undersigned as to the status of this case.

This paper is being submitted in duplicate.

Respectfully submitted,

EMRICH & DITHMAR, LLC.
Attorneys for Applicant

Date: 12/4/06

By: 

Harry M. Levy

Registration No. 24,248

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EMRICH & DITHMAR

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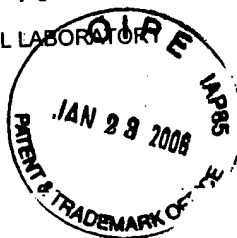
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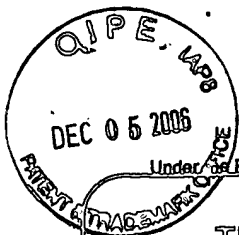
EXPRESS MAIL NO. EV693420070
JANUARY 23 2006 HML

The Stamp of the U.S. Patent and Trademark Office hereon may be taken as an acknowledgement of the receipt on the date stamped of: Transmittal Form; Fee Transmittal FY 2005; **RENEWED** Petition to Revive under §1.137(b); DRAWINGS (Fig. 1-9); Return Receipt Postcard

Client:
CASE No.
Serial No.
Filed:

ARGONNE NATIONAL LABORATORY
220
09/943,966
August 31, 2001





PTO/SB/21 (09-04)
Approved for use through 07/31/2008. OMB 0851-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
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TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

Application Number	10/943,966
Filing Date	August 31, 2001
First Named Inventor	Michael M. Thackeray et al.
Art Unit	1742
Examiner Name	
Attorney Docket Number	ANL 220

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ENCLOSURES (Check all that apply)

- | | | |
|---|---|--|
| <input checked="" type="checkbox"/> Fee Transmittal Form
<input type="checkbox"/> Fee Attached
<input type="checkbox"/> Amendment/Reply
<input type="checkbox"/> After Final
<input type="checkbox"/> Affidavits/declaration(s)
<input type="checkbox"/> Extension of Time Request
<input type="checkbox"/> Express Abandonment Request
<input type="checkbox"/> Information Disclosure Statement

<input type="checkbox"/> Certified Copy of Priority Document(s)
<input type="checkbox"/> Reply to Missing Parts/ Incomplete Application
<input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53 | <input type="checkbox"/> Drawing(s)
<input type="checkbox"/> Licensing-related Papers
<input checked="" type="checkbox"/> Petition
<input type="checkbox"/> Petition to Convert to a Provisional Application
<input type="checkbox"/> Power of Attorney, Revocation
<input type="checkbox"/> Change of Correspondence Address
<input type="checkbox"/> Terminal Disclaimer
<input type="checkbox"/> Request for Refund
<input type="checkbox"/> CD, Number of CD(s) _____
<input type="checkbox"/> Landscape Table on CD | <input type="checkbox"/> After Allowance Communication to TC
<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Status Letter
<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):
return receipt postcard |
|---|---|--|
- Remarks
RENEWED PETITION UNDER 1.137(b).
- EV693420070US

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	EVRIK & DITHMAR, L.L.C.		
Signature			
Printed name	HARRY M. LEVY		
Date	1/23/06	Reg. No.	24248

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Signature

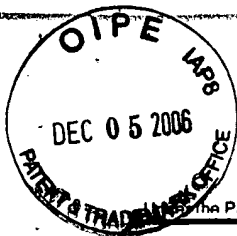
Typed or printed name Brenda Starks

Date

1/23/06

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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PTO/SB/17 (12-04v2)
Approved for use through 07/31/2006. OMB 0651-0032
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Effective on 12/08/2004.
Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).

FEE TRANSMITTAL For FY 2005

☒ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$) 0.00

Complete if Known

Application Number	10/943,966
Filing Date	August 31, 2001
First Named Inventor	Michael M. Thackeray et al
Examiner Name	
Art Unit	1745
Attorney Docket No.	ANL 220

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METHOD OF PAYMENT (check all that apply)

☐ Check ☐ Credit Card ☐ Money Order ☒ None ☐ Other (please identify):

☒ Deposit Account Deposit Account Number: 05-1060 Deposit Account Name: Emrich & Dithmar LLC.

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

☐ Charge fee(s) indicated below

☐ Charge fee(s) indicated below, except for the filing fee

☒ Charge any additional fee(s) or underpayments of fee(s) under 37 CFR 1.16 and 1.17

☒ Credit any overpayments

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

FEE CALCULATION

1. BASIC FILING, SEARCH, AND EXAMINATION FEES

Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		Fees Paid (\$)
	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	
Utility	300	150	500	250	200	100	
Design	200	100	100	50	130	65	
Plant	200	100	300	150	160	80	
Reissue	300	150	500	250	600	300	
Provisional	200	100	0	0	0	0	

2. EXCESS CLAIM FEES

Fee Description

Each claim over 20 (including Reissues)

Fee (\$)	Small Entity Fee (\$)
50	25

Each independent claim over 3 (including Reissues)

200	100
-----	-----

Multiple dependent claims

360	180
-----	-----

Total Claims	Extra Claims	Fee (\$)	Fee Paid (\$)
- 20 or HP =	x	=	0

HP = highest number of total claims paid for, if greater than 20.

Indep. Claims	Extra Claims	Fee (\$)	Fee Paid (\$)
- 3 or HP =	x	=	0

HP = highest number of independent claims paid for, if greater than 3.

3. APPLICATION SIZE FEE

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof	Fee (\$)	Fee Paid (\$)
- 100 =	/ 50 =	(round up to a whole number) x	=	

4. OTHER FEE(S)

Non-English Specification, \$130 fee (no small entity discount)

Fees Paid (\$)

Other (e.g., late filing surcharge):

SUBMITTED BY

Signature	Registration No. 24,248	Telephone 3123-663-9800
Name (Print/Type) HARRY M. LEVY	(Attorney/Agent)	Date 1/23/06

This collection of information is required by 37 CFR 1.136. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.